



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD

Meeting Minutes

Monday, June 3, 2024

7:00 pm

Board Members Present: Jackie French
John Hastings
Liv Lovejoy, Alternate
Penny Page
Chris Parsons
Trish Peterson, Chairwoman
Rick Petzke
Tracy Warner, Vice Chairwoman

Board Members Absent: None

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Megan Dorritie, Town Attorney
Dan Hurley, Town Council Member
Dan Williams, Town Council Member

Chairwoman Peterson called the meeting to order on or about 7:00 pm. She asked if the Board Members had any comments, questions, concerns, or corrections about the May 6, 2024 meeting minutes. Hearing no comments, Board Member French made a motion to accept the minutes of May 6, 2024 as presented; Vice Chairwoman Warner seconded the motion. All were in favor. The Board accepted the minutes as presented.

Next on the agenda was review of Site Plan of Casey Root to operate a tanning and wellness studio in an existing building located at 964 Pennsylvania Avenue, Elmira, New York, tax map #109.06-3-19, zoned Commercial Regional.

Ms. Root explained she will operate a tanning bed and spray tan studio along with Red Light Therapy. The hours of operation will be Sunday through Saturday 8:00 a.m. to 10:00 p.m. A sign will be installed per Town Code. There will be one employee. Additional parking has been added to the property.

The project is classified as a Type II Action under the State Environmental Quality Review Act (SEQRA). There were no other comments from the Board.

Chairwoman Peterson set a public hearing for Monday, July 1, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was review of Site Plan of Dan Williams on behalf of Ariel Beahm to operate a medical spa in an existing building located at 1141 Broadway, Elmira, New York, tax map 109.10-2-24.1 zoned Commercial Regional.

Delaney Williams presented the application on behalf of Dan Williams. She explained that Ariel Beahm is a licensed Nurse Practitioner who will operate a medical spa in suite 6. She will offer cosmetic enhancements such as facials and Botox injections by appointment only. The sign will be installed per Town Code. Hours of operation will be 8:00 a.m. to 8:00 p.m.

The project is classified as a Type II Action under the SEQRA. There were no other comments from the Board. Chairwoman Peterson set a public hearing for Monday, July 1, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Next on the agenda was the continued review of Site Plan of Arbor Housing and Development to develop 60 units of senior apartments located at 1205 Plymouth Avenue, Elmira, New York, tax map 109.08-2-51, zoned Commercial Regional.

Jamie Gensel with Fagan Engineers presented the preliminary Site Plan to the Board. The building will be a two-story building instead of a three-story building because of the burden on the Southport Volunteer Fire Department (SVFD). The building will have 44 units and there will be four town homes. He submitted the grading plan, utility plan and Stormwater plan. Mr. Gensel will have a landscaping plan later in the process. Mr. Gensel stated they do not need a New York State Department of Transportation (NYSDOT) permit because they are not doing any work in the NYSDOT right-of-way.

The Planning Board discussed hiring an engineer to help guide them with the Arbor Housing project. Mr. Gensel asked if they could use that hired engineer to review the Stormwater. He would prefer the engineer to review the entire application. Attorney Dorritie explained that a consultant could review the application in its entirety and refer the Stormwater review to the Chemung County Stormwater Coalition Engineer that the Town already has contracted with.

The project is classified as an Unlisted Action with a Coordinated review under the SEQRA. There were no other comments from the Board. Chairwoman Peterson set a public hearing for Monday, July 1, 2024 at 7:00 p.m. or as soon thereafter as it can be heard.

Public Hearing - Site Plan of Bryan Gilbert to operate an office in an existing building located at 1141 Broadway, Elmira, New York, tax map 109.10-2-24.1, zoned Commercial Regional

Delaney Williams presented the application on behalf of Bryan Gilbert. She explained that State Farm Insurance will operate in suite 7. Hours of operation will be Monday through Friday 8:00 a.m. to 6:00 p.m., the existing parking lot will be utilized, and the sign will be installed per Town Code.

It was noted that the publication was in order, then the public hearing was opened for comment at 7:29 p.m.

No one wished to be heard, the public portion of the meeting was closed at 7:30 pm and was turned back over to the Planning Board.

Hearing no comments from the Board, Board Member French made a motion to accept the Site Plan as presented; Chairwoman Peterson seconded the motion. There was no discussion on the motion. The project is classified as a Type II Action under the SEQRA thus no further action is required pursuant to SEQRA.

Resolution No. 005-2024 PB

SITE PLAN GRANTED TO BRYAN GILBERT TO OPERATE AN OFFICE IN AN EXISTING BUILDING LOCATED AT 1141 BROADWAY, TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK, TAX MAP #109.10-2-24.1 ZONED COMMERCIAL REGIONAL

Resolution by: French
Seconded by: Peterson

WHEREAS, on or about April 16, 2024, Dan Williams, on behalf of Bryan Gilbert, submitted an application to the Code Enforcement Officer for Site Plan approval from the Town of Southport Planning Board to operate an office in an existing building located at 1141 Broadway, Town of Southport, tax map #109.10-2-24.1, zoned Commercial Regional; and

WHEREAS, the application was submitted to the Town Planning Board and defined as an Office, General Business per the Town Code Chapter 525-5 Definitions; and

WHEREAS, the Town Planning Board held a duly noticed meeting on May 6, 2024 at which the Applicant presented information about the project; and

WHEREAS, the Town Planning Board conducted a public hearing on June 3, 2024 at 7:00 p.m., and after due posting and publication of the same was made, was in compliance with the Town of Southport Municipal Code; and

WHEREAS, at that public hearing, any and all individuals wishing to be heard were then and there given the opportunity to do so; and

WHEREAS, it was determined that this was a Type II action under SEQRA 6NYCRR617.5.18 reuse of commercial structure for permitted use; and after due deliberation, investigation, and consideration it is

RESOLVED, that the Town Planning Board hereby grants approval for the Site Plan of Bryan Gilbert to operate an office in an existing building located at 1141 Broadway. Failure to make significant progress on the project within one (1) year from granting approval of this site plan will render the site plan null and void. Conditions shall be completed within one year unless otherwise stated.

AYES: French, Hastings, Page, Parsons, Peterson, Petzke, Warner

ABSENT: None

NOES: None

MOTION CARRIED.

Continued

Public Hearing - Site Plan Amendment of Aces & Eights, David Cleary, to designate existing store as a Convenience Food Mart located at 1156 Broadway, Elmira, New York, tax map #109.10-1-25, zoned Commercial Regional

The Public Hearing was closed on May 24, 2024 for public comment.

David Cleary, owner of Aces & Eights General Store, asked that his public hearing be tabled until a determination is made on the Byrne Dairy application. He cannot make a decision on his application until the Board makes a decision on the Byrne Dairy application. He stated that he has not received any comments.

Attorney Dorritie explained that the Chemung County Planning Board (CCPB) is asking for more detail on the sign that Mr. Cleary would like to install. They have tabled the referral until they have more details. The Board should not take any action until they hear back from CCPB. Mr. Cleary wants to wait to see what is approved for the Byrne Dairy.

The Board discussed that the application is seeking an amendment to be classified as a Convenience Food Mart. The application will be tabled at the request of the applicant.

Continued

Public Hearing - Site Plan of Sonbyrne Sales Inc. to construct and operate a Convenience Food Mart located at 1151 Broadway, Elmira, New York, tax map #109.10-2-21, zoned Commercial Regional

The Public Hearing was closed on May 24, 2024 for public comment. Attorney Dorritie stated that the Planning Board did receive in the June 3, 2024 mail, a public comment on behalf of David Cleary, from an attorney out of Buffalo New York. That letter is dated May 23, 2024, it was postmarked June 1, 2024 which is more than a week after the public hearing had closed. She recommends that the Board consider it.

Christian Brunelle, Senior Executive Vice President with Byrne Dairy, presented updates to the Site Plan after receiving comments from LaBella. On May 15, 2024 he submitted a revised lighting plan, site development plans with demolition plan, landscaping plan, and sediment erosion control plan. Summary of stormwater was submitted to the Chemung County Stormwater Coalition. The site is under one acre therefore it does not need a New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) permit. The amount of land disturbed does include the right-of-way. Brick pavers have been added to the connect the property to the town's property at the point. They added a green space island to the parking area. Lighting was added to the plan. The dumpster enclosure detail is now fractured block with a wooden gate on the front. The concrete pad is 30 feet by 15 feet. Each roof drain will have a drywell attached to it. Sign number three has been removed from the east edge of the building. They added a signature block to the site plan for the Planning Board Chairperson to sign.

The Board discussed that the project is a permitted use and asked the applicant if they would consider changing the hours of operation. Mr. Brunelle stated they want the hours of operation to be 24/7.

Chairwoman Peterson asked about old fuel tanks that may remain on the property. Mr. Brunelle stated that if any old fuel tanks are found during construction, the site manager has a legal obligation to call in a New York State spill. That is a private matter between the property owner and NYSDEC.

Wes Pettee with LaBella Associates provided an overview for the public's benefit about zoning. Zoning regulates the use, the density of use, and the location of development. The Southport Town Board, the legislative body of the town, adopted chapter 525 zoning of the Town Code. Per attachment 1, Use Regulation Table, a Convenience Food Mart is a permitted use by right in the Commercial Regional zoning district. A Special Use Permit is not required for a Convenience Food Mart. The applicant is applying for a site plan review for a permitted use. The site plan is a set of design drawings depicting the proposed arrangement and configuration of the development on a single parcel of land. A site plan can be both narrative and graphic in form. As the proposed use is a

permitted use by right, the applicant is required to obtain site plan approval only from the Planning Board for the Convenience Food Mart. The Planning Board does not have the jurisdiction to deny the site plan application based on the proposed use of the property alone. The Planning Board review of the project of this site plan is for site plan only and in general development considerations.

Mr. Pettee discussed the review letter LaBella submitted to the Planning Board. The Stormwater Management Plan will be addressed with Chemung County DPW and Stormwater Coalition. The demolition Plan has been provided. Mr. Pettee discussed the erosion sediment control plan, grading plan, utility plan, landscaping plan and buffer, lighting plan, signage, fuel pump detail, roof drainage, dumpster enclosure, and elevation drawings. The traffic impact shows no significant adverse impact. Mountable curbing was suggested for the island. Mr. Pettee will discuss the review with the applicant.

The Board discussed a separation from the Town's park-like setting, the frequency of delivery trucks, the fence and lights that belong to the bank, and tabling the meeting until July 1, 2024.

Mr. Brunelle stated that this would be his fourth meeting and asked for feedback from the Board. Mr. Brunelle agreed to install a four-foot high approximately 40-foot-long ornamental black fence separating their property from the Town's park-like setting. The Board agreed with green space with curbing along the right-of-way. The island will be grass only with mountable curbing. Mr. Brunelle will provide revised drawings.

At the July 1, 2024 meeting the Board will discuss SEQRA and resolutions.

The Board welcomed new Board Member Penny Page and the Alternate Board Member Liv Lovejoy.

The Attorney will ask LaBella Associates for a quote to assist with the review of the Arbor Housing project.

No other business to come before the Board. Vice Chairwoman Warner made a motion to adjourn the meeting; Board Member French seconded the motion. All were in favor. The meeting was adjourned at 9:03 pm.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney